

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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SCOTT DINGELDEY,

Plaintiff,

v.

DECISION AND ORDER  
15-CV-916A

VMI-EPE-HOLLAND B.V. and  
VMI HOLLAND, B.V.,

Defendants.

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The above-referenced case was referred to Magistrate Judge Leslie G. Foschio, pursuant to 28 U.S.C. § 636(b)(1)(B). On September 28, 2016, Magistrate Judge Foschio filed a Report and Recommendation (Dkt. No. 11), recommending that defendants' motion to dismiss for lack of jurisdiction (Dkt. No. 3) be denied.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge Foschio's Report and Recommendation, defendants' motion to dismiss for lack of jurisdiction is denied.

The case is referred back to Magistrate Judge Foschio for further proceedings.

IT IS SO ORDERED.

*Richard J. Arcara*

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HONORABLE RICHARD J. ARCARA  
UNITED STATES DISTRICT COURT

Dated: October 26, 2016